

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HANNAN YAGHOUB,

Case No. 2:15-CV-1464 JCM (GWF)

Plaintiff(s),

ORDER

V.

LAS VEGAS JUSTICE COURT, et al.,

Defendant(s).

Presently before the court are the report and recommendation of Magistrate Judge Foley. (Doc. # 6). The parties have not filed objections, and the time for doing so has passed.

Plaintiff alleges claims under section 1983 of the Civil Rights Act against defendants Las Vegas Justice Court, Judge Cynthia Cruz, Nevada Supreme Court, and Southern Nevada Panel.¹² Judge Foley found that defendants Las Vegas Justice Court, Nevada Supreme Court, and Southern Nevada Panel are agencies of the state of Nevada and, as such, are not “persons” subject to suit under 42 U.S.C. § 1983. *See O’Connor v. State of Nev.*, 507 F.Supp. 546, 550 (D. Nev. 1981) *aff’d*, 686 F.2d 749 (9th Cir. 1982). Similarly, Judge Foley found that Judge Cruz is absolutely immune from suit for damages from acts performed within her judicial capacity. *See, e.g., Nixon v. Fitzgerald*, 457 U.S. 731, 766 (1982). Because each remaining defendant is immune from suit for the claims plaintiff alleges, the magistrate recommends dismissal of the complaint with prejudice. (See doc. # 6).

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects

¹ Plaintiff's compliant (doc. # 1-1) also asserts claims against defendants 8th Judicial District Court and Jennifer P. Togliatti. However, the court granted the parties' stipulation that plaintiff's claims against those defendants be dismissed with prejudice and those defendants are no longer before the court. (See doc. ## 2 and 4).

² The Southern Nevada Panel is an arm of the Nevada Supreme Court.

1 to a magistrate judge's report and recommendation, then the court is required to "make a *de novo*
 2 determination of those portions of the [report and recommendation] to which objection is made."
 3 28 U.S.C. § 636(b)(1).

4 Where a party fails to object, however, the court is not required to conduct "any review at
 5 all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149
 6 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
 7 magistrate judge's report and recommendation where no objections have been filed. *See United*
 8 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
 9 employed by the district court when reviewing a report and recommendation to which no
 10 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
 11 (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are
 12 not required to review "any issue that is not the subject of an objection."). Thus, if there is no
 13 objection to a magistrate judge's recommendation, then this court may accept the recommendation
 14 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
 magistrate judge's recommendation to which no objection was filed).

15 Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine
 16 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
 17 recommendation and the complaint in this matter, this court finds that good cause appears to adopt
 18 the magistrate judge's findings and recommendation in full.

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
 20 recommendation of Magistrate Judge Foley (doc. # 6) be, and the same hereby are, ADOPTED in
 21 their entirety.

22 IT IS FURTHER ORDERED that plaintiff Hannan Yaghoub's complaint (doc. # 1-1) be,
 23 and the same hereby is, DISMISSED with prejudice.

24 The clerk shall enter judgment according and close the case.

25 DATED May 4, 2016.

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UNITED STATES DISTRICT JUDGE
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